DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

August 13, 1986

. ALL-COUNTY LETTER NO. 86-77

TO: ALL COUNTY WELFARE DIRECTORS
    ALL COUNTY COUNSELS

SUBJECT: HANSEN v. McMAHON - EMERGENCY SHELTER CARE FOR FAMILIES

REFERENCE: ALL-COUNTY LETTER NO. 86-60

On July 18, 1986, the Department notified the counties, via the above referenced All-County Letter (ACL), of the class action lawsuit, Hansen v. McMahon, filed against this Department. A copy of the preliminary injunction issued on May 19, 1986, by Judge Dowds of the Los Angeles County Superior Court, was transmitted with the ACL for information and review. That injunction requires that the Department not enforce or implement any regulation or policy that defines emergency shelter care so as to exclude homeless children who remain with their parent(s), guardian(s), or caretaker(s). The Department appealed, and took the position that the injunction is mandatory and therefore was stayed pending appeal.

On August 1, 1986, Judge Cole of the Los Angeles County Superior Court found that the Director of the State Department of Social Services was in contempt of court for failure to comply with the provisions of the preliminary injunction issued by Judge Dowds. The contempt order requires the Director to comply with the provisions of that injunction.

Pursuant to the contempt order and the injunction, counties are instructed to immediately cease implementation of any regulation or policy which excludes from eligibility for emergency shelter care homeless children who remain with their parent(s), guardian(s), or caretaker(s). County child welfare services allocations remain unchanged.

We will keep you informed as further developments in this lawsuit occur. If you have any questions regarding this matter, please contact Ms. Nina M. Grayson, Chief, Family and Children's Services Branch at (916) 445-7653 or Mr. Ritch Hemstreet, Chief, Family and Children's Services Policy Bureau at (916) 322-6333.

LOREN D. SUTER
Deputy Director
Adult and Family Services Division